

File

The opinion being written in support of the decision being entered today is not binding precedent of the Board.

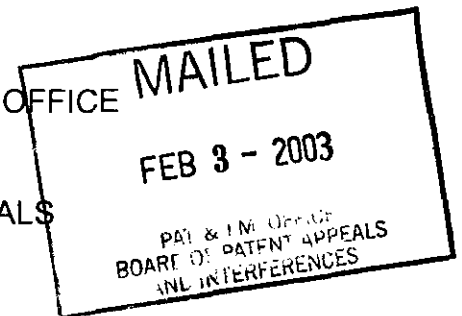
Paper 200

By: Trial Section Merits Panel
Box Interference
Washington, DC 20231
Tel: 703-308-9797
Fax: 703-305-0942

Filed: February 3, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



DONALD A. YOUNG,
MICHAEL K. O'BANION and VIRGINIA D. WINN

Junior party,
(Application 08/487,752)

v.

WANDA A. CROMLISH,
BRIAN P. KENNEDY, GARY O'NEILL, PHILLIP J. VICKERS,
ELIZABETH WONG and JOSEPH A. MANCINI

Senior party,
(Patent 5,543,297 and
Reissue Application 09/731,632)

Patent Interference No. 104,289

Before: SCHAFER, SPIEGEL and MEDLEY, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Junior "Party Young hereby abandons the contest of the interference and requests entry of adverse judgment" (Paper 199). Accordingly, it is

FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

Sally C Medley
SALLY C. MEDLEY
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

104,289
(via fax and first class mail):

Counsel for Cromlish
(real party in interest
MERCK FROSST CANADA INC.):

Eugene C. Rzucidlo, Esq.
Albert L. Jacobs, Jr., Esq.
Gerard F. Diebner, Esq.
Joseph M. Manak, Esq.
GRAHAM & JAMES LLP
Intellectual Property Group
885 Third Avenue
New York, NY 10022-4834
Tel: 212-848-1000
Fax: 212-848-9590

Counsel for Young
(real party in interest
UNIVERSITY OF ROCHESTER):

William P. Berridge, Esq.
Melanie L. Mealy, Esq.
Steven J. Prewitt, Esq.
OLIFF & BERRIDGE
227 S. Washington St.
Suite 500
Alexandria, VA 22314
Tel: 703-836-6400
Fax: 703-836-2787

Paper No. 199
P.D.
1/31/03

Filed on behalf of: Parties YOUNG
By: William P. Berridge
Melanie L. Mealy
OLIFF & BERRIDGE, PLC
277 S. Washington St., Suite 500
Alexandria, Virginia 22314
Telephone: (703) 836-6400
Fax: (703) 836-2787

UNITED STATES PATENT AND TRADEMARK OFFICE
(Administrative Patent Judge Carol A. Spiegel)

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DONALD A. YOUNG,
MICHAEL K. O'BANION and VIRGINIA D. WINN

Junior party,
(Application 08/487,752)

v.

WANDA A. CROMLISH,
BRIAN P. KENNEDY, GARY O'NEILL, PHILIP J. VICKERS,
ELIZABETH WONG and JOSEPH A. MANCINI

Senior Party,
(Patent 5,543,297 and
Reissue Application 09/731,632)

Patent Interference No. 104,289

YOUNG ABANDONMENT OF THE CONTEST

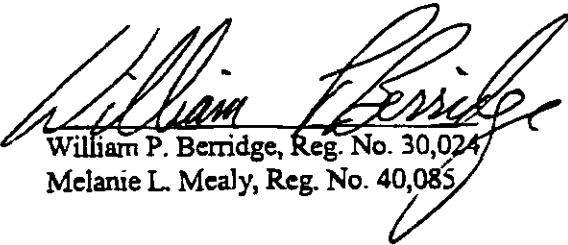
RECEIVED
2003 JAN 31 AM 11:02
BOARD OF PATENT APPEALS
AND INTERFERENCES

Interference No. 104,289

Young v. Cromlish

Without conceding priority as to the count or unpatentability as to any claim of the Young application in interference, Party Young hereby abandons the contest of the interference and requests entry of adverse judgment.

Respectfully submitted,



William P. Berridge, Reg. No. 30,024
Melanie L. Mealy, Reg. No. 40,085

Interference No. 104,289

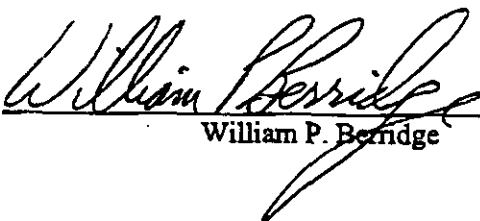
Young v. Cromlish

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this paper (and any papers referred to herein as being attached or enclosed) is today being sent by facsimile to Eugene C. Rzucidlo, Esq., lead counsel for Party Cromlish, at the address of record.

January 31, 2003

Date



William P. Berridge